A subsequent review of existing rules by a regulatory agency is required whenever a preventive action limit or an enforcement standard is attained or exceeded in the state for a substance related to an activity which that agency regulates. Where a preventive action limit is attained or exceeded, the regulatory agency is directed to revise, if necessary, its rules defining design and management criteria to ensure that compliance with the preventive action limit, where feasible, will be maintained. Where an enforcement standard is attained or exceeded, the regulatory agency is directed to revise its rules, if necessary, to ensure that the enforcement standard is not attained or exceeded in other locations in the future.

E. ADOPTION OF REGULATORY RESPONSES

Each regulatory agency is required to adopt rules setting forth the range of responses which an agency may require of itself or of a person controlling an activity, practice or facility which is the source of a substance, when a preventive action limit or an enforcement standard is attained or exceeded. The intent of this provision is to require only that the regulatory agency identify the type of regulatory responses which will be considered when a preventive action limit or an enforcement standard is attained or exceeded.

E SITE-SPECIFIC RESPONSES: PREVENTIVE ACTION LIMITS

Where a preventive action limit for a substance is attained or exceeded at some location in the state, those regulatory agencies having jurisdiction over activities which could be the source of the substance are required to assess the cause, evaluate the significance of the concentration and implement appropriate responses. Appropriate responses are those which would achieve the following:

1. Minimize the concentration of the substance at the point of standards application, where technically or economically feasible;
2. Regain and maintain compliance with the preventive action limit or the lowest possible concentration which is technically and economically feasible, if compliance with the preventive action limit is not technically or economically feasible; and
3. Ensure that the enforcement standard is not attained or exceeded at the point of standards application.

The only site-specific response which is subject to statutory guidelines is the prohibition of activities or practices which use or produce the substance. A prohibition on an activity or practice may not be imposed when a preventive action limit is attained or exceeded, unless the regulatory agency: